

a turning tool is a slot formed across the bolt broad head, passing across the center of said bold broad head, to receive a screw driver blade fitted therein.

REMARKS

Claims 1 and 3 through 8 remain in the case after this Amendment and Response.

Applicant notes the rejection of Claim 4 under 35 USC 112, second paragraph, citing a lack of a prior antecedent basis for the phrase “the posts”. Responsive thereto, applicant has here amended the dependency of Claim 4 from a dependency on Claim 2, that did not call for “posts”, to a dependency upon Claim 3. Which Claim 2, by this amendment has been cancelled.

Applicant notes the rejection of the Original Claims of the case Claims 1 through 8 under 35 USC 103(a), citing a U.S. Patent to Stinnett, et al, No. 6,557,328, that is the primary cite reference. Applicant, responsive to the rejection of Claims 1 and 2, agrees that the ‘328 patent teaches a structure that performs a like function to that performed by the invention. Structurally, however, the devices are different. Where the ‘328 patent sets out a fender shaper having a front portion that is bent back from a curved corner, forming a rectangle body having sides that are 3 inches by 4 inches (Col. 4, lines 65&66), the present invention, as now particularly called for in amended Claim 1, is directed to a bar having a rectangular cross section that is bent through a continuous ninety degree arc. Such bar, of course, is lighter in weight and less likely to contact the side of a horse fitted with the saddle mounting the invention, than would the tall rectangular rear section of the ‘328 patent. To set out and distinguish the invention from a reasonable interpretation of the ‘328 patent, applicant has include the limitations of original Claim 2 with Claim 1, and has further amended Claim 1 to clearly set out that the bar is bent through a ninety degree arc, with that bend being continuous along

the length of the bar, versus the ninety degree bend in the plate of the '328 patent that is formed through a "curved corner" (Col. 3, line 48). Further, Claim 1 has been amended to more clearly point out that the bar, wherefrom the invention is formed, has a rectangular cross section, unlike the plate wherefrom of the device of the '328 patent is formed, and that the bend formed in the rectangular bar of the invention is formed across the rectangle longest parallel sides. Based upon the above, applicant respectfully submits that the Examiner's analysis that the bar stock of the invention produces a saddle fender bending unit that is equivalent to the fender shaper formed from plate stock of the '328 patent is incorrect, and that the present invention, as now claimed, is distinct from a reasonable interpretation of the '328 patent.

Applicant also notes the rejections of Claims 3, 4, 5 and 6 through 8, again citing the '328 patent as relating to the posts and their mountings and use as involves forming means in the bolts head ends for receiving turning tools. While, as the Examiner admits, the '328 patent does not specifically show the posts and bolt arrangements of the invention, it does involve fasteners performing essentially the same functions. However, as the Claims 3 through 8 are ultimately dependent upon Claim 1, as now amended to contain the structure of Claim 2, the amended Claim 1 should now be in proper condition for allowance, as should the claims dependent thereon. Applicant therefore believes that independent Claim 1, and the Claims dependent thereon, should now be in proper condition for allowance and respectfully requests same.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Reid Russell", is written over a horizontal line.

M. Reid Russell

Examiner: Son T. Nguyen
Serial No: 10/744,007 Art Unit: 3643

Registration No: 26,226

854 West 3390 South

Hurricane, Utah 84737

435-674-5739

MRR/rr

Docket No. 7676

Date: February 9, 2005

AMENDMENTS TO CLAIMS - PER 37 CFR 1.121

1.(Currently Amended) A saddle fender bender comprising, a bar formed from a straight section of metal bar stock [that] having a rectangular cross section and is bent across its longest parallel sides to have and retain [an] a uniform arc along its entire length of approximately ninety (90) degrees and [having] has a length to extend at least partially across a lower portion of a saddle fender; a plurality of bolts each having a broad head end and is threaded along a bolt shaft; means secured at spaced [interval] intervals along an inner arc surface of said bar for receiving each said bolt threaded shaft end turner therein to position said bolt broad head end undersurface into engagement with an outer surface edge of a hole formed through said fender wherethrough said bolt is passed..

2.(Canceled) The saddle fender bender as recited in Claim 1, the bar has a rectangular cross section and is bent across its longest parallel sides.

3.(Currently Amended) The saddle fender bender as recited in Claim 1, further including posts that are each internally threaded and are connected, at spaced intervals along, to extend at approximately right angles outwardly from[,] the bar inner arch surface, with each said post to fit though a hole formed through the fender and receive an end of one of the bolts threaded shafts ends turned therein.

4.(Currently Amended) The saddle fender bender as recited in Claim [2]3 wherein the posts are individually secured to the bar inner arch surface by soldering or brazing.

5.(Original) The saddle fender bender as recited in Claim 1, wherein the bar arched inner surface is drilled and tapped at spaced intervals therealong, with each said tapped hole to receive the

end of one of the bolts threaded shafts turned therein.

6.(Original) The saddle fender bender as recited in Claim 1, wherein each bolt broad head includes a means formed into said bolt broad head to receive a turning tool fitted therein.

7.(Currently Amended) The saddle fender bender as recited in Claim 6, wherein the means for receiving a turning tool is a [side] sided hole formed in the bolt broad head center to receive a phillips head screw driver end or an Allen wrench end.

8.(Original) The saddle fender bender as recited in Claim 6, wherein the means for receiving a turning tool is a slot formed across the bolt broad head, passing across the center of said bold broad head, to receive a screw driver blade fitted therein.

Examiner: Son T. Nguyen
Serial No: 10/744,007 Art Unit: 3643

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Non- Fee Amendments, Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450 on February 9, 2005.



M. Reid Russell

February 9, 2005

Date

List of items sent:

Amendment and Response

Copy of Amended Claims

Return Receipt Postcard